

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
MAR 12 PM 1:30
U.S. DISTRICT COURT
N.D. OF ALABAMA

ROSS O'NEAL PETTY,

Plaintiff,

vs.

SHERIFF JOE WHISANTE,

Defendants.

CV-00-JEO-1507-S

ENTERED
MAR 12 2002

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on January 17, 2002, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. The plaintiff filed objections to the recommendation on March 8, 2002 [Doc. #23].

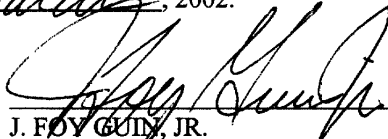
Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the plaintiff's objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED.¹ The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. Plaintiff supplemental state law claims are due to be

¹ Although the magistrate judge's report and recommendation dealt with the plaintiff's constitutional claims, the plaintiff's objection addresses state law negligence claims. To the extent that the plaintiff's complaint can be read to assert supplemental state law claims, the District Court declines to exercise jurisdiction over those claims pursuant to 28 U.S.C. § 1367(c)(3). Accordingly, any supplemental state law claims are to be dismissed without prejudice.

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DISMISSED WITHOUT PREJUDICE. A Final Judgment will be entered.

DONE this the 12th day of March, 2002.



J. FOY GUIN, JR.
UNITED STATES DISTRICT JUDGE